

IN RE: PETITION FOR ZONING VARIANCE
N/S Valley View Road, 600' E
of the c/l of Hilton Avenue
(1400 Valley View Road)
1st Election District
1st Councilmanic District
Michael N. Netzer, et ux
Petitioners

BEFORE THE
ZONING COMMISSIONER
OF BALTIMORE COUNTY
Case No. 89-439-A

FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a window to tract boundary of 11 feet in lieu of the required 35 feet for a garage addition in accordance with Petitioner's Exhibit 1.

The Petitioners, by Michael Netzer, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 1400 Valley View Road, consists of 1.798 acres zoned D.R.2 and is improved with a single family dwelling. Petitioners propose constructing a 41.5' x 25' garage addition to provide additional living space as well as protection for the family vehicles. Evidence presented indicated the subject property is an unusually shaped lot, very wide but not very deep. Mr. Netzer testified the location for the proposed addition is the most practical one due to the topography of the land and layout of existing improvements. Mr. Netzer testified the septic system and a detached deck are located on the east side of the property and the water well is located in the front yard. Further testimony indicated that the property has some steep sloping and contains some wetlands. Mr. Netzer indicated that practical difficulty and unreasonable hardship would result if the requested variance were denied. Further testimony indicated the relief requested would not

result in any detriment to the health, safety or general welfare of the surrounding community.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. *McLean v. Soley*, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably preclude the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if the variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety, and general welfare.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted.

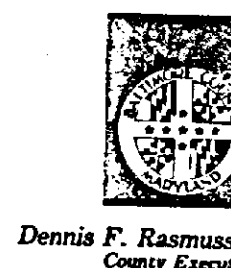
THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 12th day of May, 1989 that the Petition for Zoning Variance to permit a window to tract boundary of 11 feet in lieu of the required 35 feet for a garage addition in accordance with Petitioner's

Exhibit 1, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioner may apply for his building permit and be granted same upon receipt of this Order; however, Petitioner is hereby made aware that proceeding at this time is at his own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioner would be required to return, and be responsible for returning, said property to its original condition.
- 2) Petitioner shall not allow or cause the proposed addition to be converted to a second dwelling unit and/or apartments. The garage addition shall contain no kitchen facilities.
- 3) Upon request and reasonable notice, Petitioners shall permit representative of the Zoning Enforcement Division to make an inspection of the subject property to insure compliance with this Order.

J. Robert Haines
Zoning Commissioner
for Baltimore County

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Townson, Maryland 21204
(301) 887-5333
J. Robert Haines
Zoning Commissioner



Mr. & Mrs. Michael N. Netzer
1400 Valley View Road
Catonsville, Maryland 21228

RE: PETITION FOR ZONING VARIANCE
N/S Valley View Road, 600' E of the c/l of Hilton Avenue
(1400 Valley View Road)
1st Election District - 1st Councilmanic District
Michael N. Netzer, et ux - Petitioners
Case No. 89-439-A

Dear Mr. & Mrs. Netzer:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 494-3391.

Very truly yours,

J. Robert Haines
Zoning Commissioner
for Baltimore County

JRH:bjs

cc: People's Counsel

File

PETITION FOR ZONING VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 89-439-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 1201.2.5.2.a. To allow a window to tract boundary of 11' in lieu of the required 35'.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (to wit: hardship or practical difficulty)

1. A great desire and need exists for storage and expansion of the home located at 1400 Valley View Ave.
2. No other location is feasible due to the location of an existing septic system. The septic system contains:
 - 1 - 1500 gallon holding tank
 - 1 - distribution box
 - 3 - 12' wide x 18' deep dry wells

therefore making that area unsuitable for a building site.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law For Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:
(Type or Print Name)
Signature
Address
City and State

Legal Owner(s):
Michael N. Netzer
(Type or Print Name)
Signature
Barbara A. Netzer
(Type or Print Name)
Signature
Address
City and State

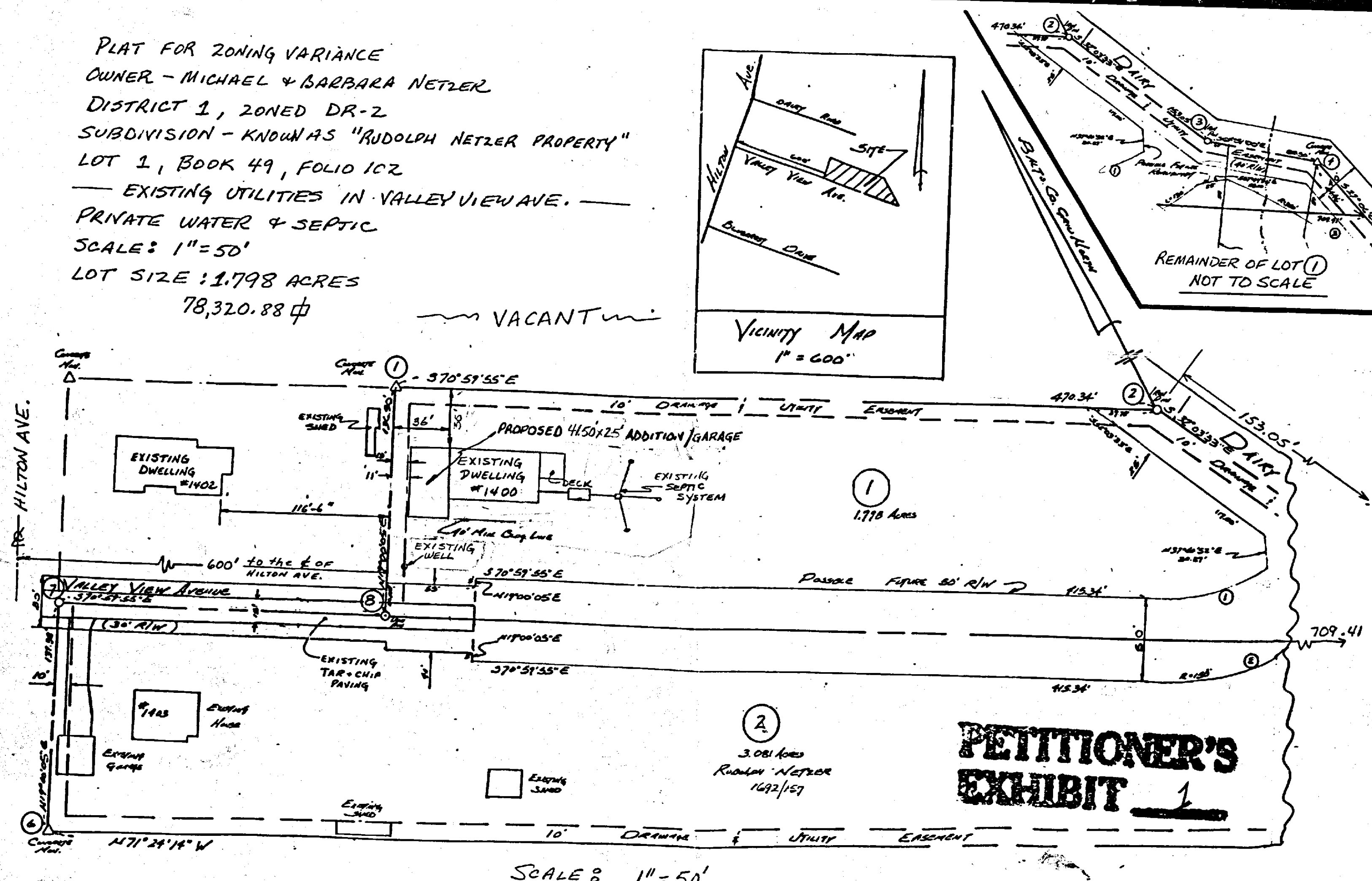
Attorney, for Petitioner:
(Type or Print Name)
Signature
Address
City and State
Name, address and phone number of legal owner, contract purchaser or representative to be contacted

Attorney's Telephone No.:
Address
City and State
Name
Address
City and State
Name
Address
City and State
Name

ORDERED By The Zoning Commissioner of Baltimore County, this 8th day of March 1989, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 108, County Office Building in Towson, Baltimore County, on the 5th day of May 1989, at 2 o'clock P.M.

J. Robert Haines
Zoning Commissioner of Baltimore County.

PLAT FOR ZONING VARIANCE
OWNER - MICHAEL & BARBARA NETZER
DISTRICT 1, ZONED DR-2
SUBDIVISION - KNOWN AS "RUDOLPH NETZER PROPERTY"
LOT 1, BOOK 49, FOLIO 102
EXISTING UTILITIES IN VALLEY VIEW AVE.
PRIVATE WATER & SEPTIC
SCALE: 1"=50'
LOT SIZE: 1.798 ACRES
78,320.88 sq ft



ZONING DESCRIPTION

Beginning at the north side of Valley View Ave. 40 ft. R/W, located N19°00'55"E. Thence leaving north 136.50' to iron pin located S70°59'55"E. Thence leaving east 470.34' to iron pin located S32°03'33"E. Thence leaving southeast 153.05' to iron pin located S64°51'00"E. Thence leaving east 88.50' to concrete monument. Thence leaving southeast 44.46' to a point located S27°05'00"E. Thence leaving west 709.41' to iron pin located at N19°00'55"E. Being Lot 1 in the development known as "Rudolph Netzer Property". Book No. 49 Folio 102. Also known as 1400 Valley View. In the 1st Election District.

CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

89-439-A

District: 1st Date of Posting: 4-18-89

Posted for: Variance

Petitioner: Michael N. Netzer, et ux

Location of property: NS of Valley View Road, 600' E of Hilton Avenue (1400 Valley View Road)

Location of Sign: on front of 1400 Valley View Road

Remarks: _____

Posted by: A. J. Haines Date of return: 4-21-89

Number of Signs: 1

Office of PATUXENT
Publishing Company
10750 Little Patuxent Pkwy.
Columbia, MD 21044

19

IS TO CERTIFY, that the annexed advertisement of _____

was inserted in the following: ☒ THE JEFFERSONIAN
☐ Booster Weekly
☐ Catonsville Times
☐ Owings Mills Flier
☐ Reporter Weekly
☐ Towson Flier

My newspapers published in Baltimore County, Maryland once a week for _____ successive weeks before the _____ day of _____ 19____ that is to say, the same was inserted in the issues of _____

April 6, 1989

PATUXENT PUBLISHING COMPANY
By: S. Lake Olson
PO 10933
M 27136
ca 89-439-A
price \$ 61.27

IN THE CIRCUIT COURT
FOR BALTIMORE COUNTY, IN EQUITY

Plaintiff _____

Defendant _____

CERTIFICATE OF PUBLICATION OF _____

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
494-3353

J. Robert Haines
Zoning Commissioner

March 20, 1989

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland as follows:

Petition for Zoning Variance
Case Number: 89-439-A
NS Valley View Road, 600' E of Hilton Avenue
1400 Valley View Road
1st Election District - 1st Councilmanic
Petitioner(s): Michael N. Netzer, et ux
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 2:00 p.m.

Variance to allow a window to tract boundary of 11 ft. in lieu of the required 35 ft.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

J. Robert Haines
J. ROBERT HAINES
Zoning Commissioner of
Baltimore County
cc: Michael N. Netzer, et ux
File

Baltimore County
Zoning Commissioner
Office of Planning & Zoning
Towson, Maryland 21204
(301) 887-3353

J. Robert Haines
Zoning Commissioner

Mr. & Mrs. Michael N. Netzer
1400 Valley View Road
Catonsville, Maryland 21228

Dennis F. Rasmussen
County Executive

Re: Petition for Zoning Variance
CASE NUMBER: 89-439-A
NS Valley View Road, 600' E of Hilton Avenue
1400 Valley View Road
1st Election District - 1st Councilmanic
Petitioner(s): Michael N. Netzer, et ux
HEARING SCHEDULED: FRIDAY, MAY 5, 1989 at 2:00 p.m.

Dear Petitioner(s):

Please be advised that \$11.37 is due for advertising and posting of the above referenced property. All fees must be paid prior to the hearing. Do not remove the sign and/or 1 meter from the property from the time it is posted by this office until the day of the hearing itself.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST METERS RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT BE ISSUED.

Please make your check payable to Baltimore County, Maryland and bring it along with the sign and post meter(s) to the Zoning Office, County Office Building, Room 111, Towson, Maryland 21204 fifteen (15) minutes before your hearing is scheduled to begin.

Please note that should you fail to return the sign & post meter(s), there will be an additional \$25.00 added to the above fee.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
DATE: 4/15/89 ACCOUNT: R-01-615-000
AMOUNT: 76.27
RECEIVED BY: Michael N. Netzer
FOR: P.A. 1/15/89 89-439-A
0105*****75277* 5063F

BALTIMORE COUNTY ZONING PLANS ADVISORY COMMITTEE

April 17, 1989

COUNTY OFFICE BLDG.
111 W. Chesapeake Ave.
Towson, Maryland 21204

MEMBERS
Bureau of Engineering
Department of Traffic Engineering
State Roads Commission
Bureau of Fire Prevention
Health Department
Project Planning
Building Department
Board of Education
Zoning Administration
Industrial Development

Mr. Michael N. Netzer
1400 Valley View Avenue
Catonsville, MD 21228

RE: Item No. 350, Case No. 89-439-A
Petitioner: Michael N. Netzer, et ux
Petition for Zoning Variance

Dear Mr. Netzer:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,
James E. Dyer
JAMES E. DYER
Chairman
Zoning Plans Advisory Committee

JED:jw
Enclosures

Baltimore County
Fire Department
Towson, Maryland 21204-2586
494-4500

Paul H. Reincke
Chief

J. Robert Haines, Zoning Commissioner
Office of Planning & Zoning
Baltimore County Office Building
Towson, Maryland 21204

Re: Property Owner: Michael N. Netzer
Location: 1400 Valley View Road
Item No.: 350 Zoning Agenda: March 7, 1989

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below marked with an "X" are applicable and required to be corrected or incorporated into the final plans for the property.

() 1. Fire hydrants for the referenced property are required and shall be located at intervals or _____ feet along an approved road in accordance with Baltimore County Standards as published by the Department of Public Works.

() 2. A second means of vehicle access is required for the site.

() 3. The vehicle dead end condition shown at _____ EXCEEDS the maximum allowed by the Fire Department.

() 4. The site shall be made to comply with all applicable parts of the Fire Prevention Code prior to occupancy or beginning of operation.

(X) 5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code," 1976 edition prior to occupancy.

() 6. Site plans are approved, as drawn.

() 7. The Fire Prevention Bureau has no comments at this time.

REVIEWER: John J. Kelly NOTED: John J. Kelly
Planning Group Fire Prevention Bureau
Special Inspection Division

/s/

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines DATE: 5/5/89
Zoning Commissioner

FROM: Pat Keller, Deputy Director
Office of Planning and Zoning

SUBJECT: ZONING ADVISORY COMMITTEE COMMENTS

Case No. 89-439-A
Item No. 350

Re: Michael N. Netzer, et ux

The Petitioners request a variance to permit a window to tract boundary setback of 11 feet in lieu of the required 35 feet. In reference to this request, staff offers no comment.

A:5589.txt pg. 1

RECEIVED
MAY 1 1989
ZONING OFFICE

89-439-A
BALTIMORE COUNTY OFFICE OF PLANNING & ZONING
County Office Building
111 W. Chesapeake Avenue
Towson, Maryland 21204

Your petition has been received and accepted for filing this _____ day of _____ 1989.

J. Robert Haines
J. ROBERT HAINES
ZONING COMMISSIONER

Petitioner: Michael N. Netzer Received by: James E. Dyer
Chairman, Zoning Plans
Advisory Committee